

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
ISMAEL CHINO BARRERA, et al.,

Plaintiffs,

against

1611 FOOD MART INC., et al.,

Defendants.

CIVIL ACTION NO.: 19 Civ. 606 (SLC)

**ORDER TO SUBMIT SETTLEMENT  
MATERIALS**

**SARAH L. CAVE**, United States Magistrate Judge.

This case contains one or more claims arising under the Fair Labor Standards Act. In light of the requirements of Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015), the parties must file a joint Letter-Motion that addresses whether the settlement is fair and reasonable. Per the Honorable Jesse M. Furman's Order at ECF No. 47, the parties were directed to file these settlement papers by **January 17, 2020**. They did not do so, and by further Order at ECF No. 48, Judge Furman ordered the parties to file the material by **January 24, 2020**, and specifically stated that the failure to do so "may result in the imposition of sanctions."

The parties have since consented to the undersigned's jurisdiction, but such consent did not obviate the requirement to follow the Court's Orders. The parties must file their Letter-Motion by **Friday, January 31, 2020**, and should address the claims and defenses, the defendants' potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the plaintiffs' case and the defendants' defenses, any other factors that justify the discrepancy between the potential value of plaintiffs' claims and the settlement amount, the

litigation and negotiation process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The joint Letter-Motion should also explain the attorney fee arrangement, attach a copy of the retainer agreement, and provide information as to actual attorney's fees expended. Finally, a copy of the settlement agreement itself must accompany the joint Letter-Motion.

Dated: New York, New York  
January 27, 2020

SO ORDERED

  
SARAH L. CAVE  
United States Magistrate Judge